

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: October 20, 2015
SUBJECT: BZA Case 19061, 1140 Florida Avenue, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested variance relief:

- § 772, Residential Lot Occupancy (60 percent permitted, 81 percent proposed);
- § 2001.3, Enlargements or Additions to Nonconforming Structures; and
- § 2101, Off-Street Parking Spaces (3 required; none proposed).

Subject to the following conditions:

1. The installation of three long-term bicycle spaces within a secure room for use by tenants and,
2. The installation of two bicycle parking spaces within public space, as permitted by the Public Space permitting process.

OP **cannot support** the following requested variance relief:

- § 771, Total Floor Area Ratio (2.50 permitted, 2.98 proposed).

The original application requested relief from Green Area Ratio. The application was modified to conform to the requirement and eliminate the request.

II. LOCATION AND SITE DESCRIPTION

Address	1140 Florida Avenue, N.E.
Legal Description	Square 4070, Lot 84
Ward	5D
Lot Characteristics	Rectangular corner lot with no alley access
Zoning	C-2-A: low to moderate density commercial land use
Existing Development	Two two-story mixed-use buildings

Adjacent Properties	North: Four-story apartment building under construction (see BZA Case No. 19062) South: Across Florida Avenue, flats, row houses and commercial uses East: Across Montello Avenue, two-story mixed-use building West: Row houses, small apartment buildings and commercial uses
Surrounding Neighborhood Character	Low to moderate density residential uses with commercial uses along Florida and Montello avenues

III. APPLICATION IN BRIEF

The applicant proposes to renovate and expand a two-story mixed use commercial/residential building into a four-story mixed use building. The first floor would be renovated into one retail space, and a residential lobby and common trash room would be added, both accessible from Montello Avenue. The second floor would be renovated into two new elevator accessible apartments. Two additional floors would be constructed on top of the building, each with two apartments. A small one-story building addition on the north side of the first floor would be razed and the area combined with the existing yard to create a garden area for building residents. A 700 square-foot common roof deck would be provided for residents of the building, with the remainder of the roof dedicated to mechanical equipment and a 415 square-foot green roof.

No off-street parking exists and none is proposed.

The applicant proposes a Transportation Demand Management Program (TDM) in lieu of providing the three required off-street parking spaces. This program proposes the:

1. Provision, as a one-time incentive, a bicycle helmet (6 helmets) to each individual purchaser;
2. Issuance of a one-time one-year bikeshare or car share membership as part of a move-in package for the first lessee or owner of each residential unit;
3. Offer a preloaded \$10 SmarTrip card for each unit at the initial sale of units in the building; and
4. Post all TDM commitments on-line for one-year. The source will also include links to CommuterConnections.com, goDCgo.com, WMATA Metrobus routes, DC Bicycle maps and other useful information in support of car-free urban living.
5. Provision of one on-street bicycle parking space.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

C-2-A Zone	Regulation	Existing	Proposed	Relief
Height § 770	50-foot max.	22 feet	50 feet	None required
Lot Width	None prescribed	25 feet	25 feet	None required
Lot Area	None prescribed	2,500 SF	2,500 SF	None required
Floor Area Ratio § 771				
-Residential	2.5 max	< 1.0	2.42	None Required
-Non-residential	1.5 max	< 1.0	0.56	None Required
Total	2.5 max	< 2.0	2.98	Required¹
Lot Occupancy § 772				
-Residential	60% max.	81%	81%	Required
-Non-residential	100% max.	88%	81%	None required
Rear Yard § 774	15-foot min.	19 feet	9.4 feet	None required
Parking § 2101	1 space per two units, or 3 min.	None	None	Required
Green Area Ratio § 3401.2	0.30 min.	N/A	0.30	None required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 771, Floor Area Ratio

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant proposes to construct two additional residential floors atop the existing residential second floor, while retaining most of the first floor as nonresidential. The two new residential floors would be equal in size to the existing residential second floor. The fourth floor could be eliminated, reducing the building to three stories, and reducing the total FAR by approximately 0.48, eliminating the need for an area variance to FAR.

The application describes how the applicant cannot achieve a reasonable return on the property unless two residential floors are added, and that it is more expensive to maintain the existing structure than to demolish it. The application further describes how the subject property is located near the HS-A Overlay District, which encourages façade preservation, but not within it, and that the applicant proposes to maintain the existing facade. OP does not accept this argument because the site is not physically located within the HS-A Overlay, and therefore its provisions are not applicable.

¹ An FAR of 3.0 is permitted with Zoning Commission approval of a Planned Unit Development (PUD) but the site does not meet the minimum lot size required for a PUD. An FAR of 3.0 is permitted pursuant to the Inclusionary Zoning provisions for the provision of affordable housing units, but requires a minimum ten units to qualify.

ii. No Substantial Detriment to the Public Good

The increase in FAR would allow the applicant to construct two additional floors atop the two-story portion of the existing building, for a total of four. The building would then be consistent with the four story building adjacent and to the west and the adjacent building currently under construction and adjacent and to the north.

iii. No Substantial Harm to the Zoning Regulations

The requested relief would facilitate renovation and modernization of the building without adversely impacting its core features. However, the addition of two floors increases the total FAR by 0.48 over that permitted by the zone. Reducing the building addition to one floor could reduce the total FAR to approximately 2.25, eliminating the need for a variance to FAR but still allowing expansion of the building.

b. Variance Relief from § 772, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The lot occupancy of the residential portion of the existing structure, less the second floor covered porch, is 81 percent. The applicant proposes to extend the height of the building by two stories, maintain the footprint of the existing residential floor and extend the core features upward. Reducing the lot occupancy and shifting some of the exterior walls for the upper two floors only would result in significant underpinning, or require the addition of large beams or columns set in from the rear of the building to support the structure, which would be a practical difficulty.

ii. No Substantial Detriment to the Public Good

The proposal would not result in an increase in the existing residential lot occupancy of the lot. A first floor addition at the rear of the property that included a residential covered porch at the rear of the structure would be removed, reducing the residential lot occupancy and bringing the existing structure closer to conformance with the Zoning Regulations.

iii. No Substantial Harm to the Zoning Regulations

The proposal would bring the existing pre-1958 structure closer to conformance with the lot occupancy provisions of the Zoning Regulations than currently exists for the existing first and second floors, while maintaining an existing mixed-use building and allowing for the reuse of the existing structure.

c. Variance Relief from § 2101, Parking

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property has no alley access. Vehicular access to the rear yard would only be possible with a curb cut from Montello Avenue, and at a width of nineteen feet, only two standard parking spaces could be accommodated with no drive aisle. Access to each of the two spaces would have to be directly from the travel lanes of Montello Avenue, and would require the issuance of a curb cut permit from DDOT.

ii. No Substantial Detriment to the Public Good

The provision of a curb cut from Montello Avenue to accommodate access to any parking spaces would eliminate on-street parking spaces, resulting in no net gain in parking. However, access to any on-site spaces would require vehicles to cross the public sidewalk, negatively affecting pedestrian safety. The parking study submitted as a part of the application concluded that the requested parking variance would not adversely impact off-site parking conditions.

In addition, the applicant proposes a TDM package that would include the issuance of the bicycle helmets to initial tenants, a one-time one-year bikeshare or car share membership and a ten dollar SmarTrip card to initial owners. To facilitate the use of bicycles, the applicant should install three long-term bicycle spaces within a secure room for use by tenants and two bicycle parking spaces within public space.

iii. No Substantial Harm to the Zoning Regulations

The subject property, developed prior to the establishment of the Zoning Regulations in 1958, has no parking. It does not abut an alley and has no vehicular access. As a result, off-street parking cannot be provided in conformance with the Zoning Regulations. The TDM package proposed by the applicant, while minimal, could have the potential to reduce the need for off-street parking, lessening the impact of the reduced number of parking spaces.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation, in a memorandum dated September 8, 2015, had no objection to the application.

No other comments were received from other District agencies.

VII. COMMUNITY COMMENTS

No comments were received from ANC 5D.

